

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

TONY WEATHERSBY,

Plaintiff,

v.

NATIONWIDE MUTUAL INSURANCE
COMPANY, *et al.*,

Defendants.

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Civil Action No. 3:24-cv-15-CWR-FKB

NOTICE OF REMOVAL

Defendant Nationwide Mutual Insurance Company (“NMIC”), by and through its undersigned counsel, hereby provides pursuant to Title 28 U.S.C. §§ 1331, 1441, and 1446 this, its Notice of Removal of this action from the Circuit Court of Simpson County, Mississippi to the United States District Court for the Southern District of Mississippi, Northern Division. Consistent with Title 28 U.S.C. § 1446(b)(2)(A), NMIC’s lone Co-Defendant, LexisNexis Risk Solutions Inc. (“LexisNexis,” together with NMIC “Defendants”), consents to removal. In support of this Notice of Removal, NMIC states as follows:

I. INTRODUCTION

1. On December 7, 2023 Plaintiff Tony Weathersby (“Plaintiff”) filed a complaint against NMIC and LexisNexis in the Circuit Court of Simpson County, Mississippi, entitled *Tony Weathersby v. LexisNexis Risk Solutions Inc., Nationwide Mutual Insurance Company*, Civil Action No. 23-CV-472 (the “State Court Action”).

2. NMIC was served with the Summons and Complaint in the State Court Action on December 13, 2023.

3. This Notice of Removal is timely filed under Title 28 U.S.C. § 1446(b) because it is filed within thirty days of the date that NMIC received a copy of the complaint “through service or otherwise.” Title 28 U.S. Code § 1446(b)(1).

4. Pursuant to Title 28 U.S.C. § 1446(a) and Local Civil Rule 5(a)(1), all process, pleadings, and orders that have been filed and served in the State Court Action are attached hereto as **Exhibit 1**.

5. Plaintiff alleges that Defendants violated the Fair Credit Reporting Act (“FCRA”), Title 15 U.S.C. 1681 *et seq.* (See generally Ex. 1, Compl., ¶¶ 8-25).

6. Specific to NMIC, Plaintiff alleges that NMIC “noted the Plaintiff was ‘at fault’ for [a] motor vehicle accident [in] which [he] was rear-ended.” *Id.* ¶ 10.

7. Accordingly, Plaintiff alleges that NMIC “approximately doubled the Plaintiff’s insurance premium” such that he “had to find another insurance carrier.” *Id.* ¶ 11-12.

8. Plaintiff claims that he contacted NMIC “multiple times to have this [alleged] error corrected, but [NMIC] has failed to make the correction.” *Id.* ¶ 13.

9. Plaintiff contends NMIC is “negligent and/or grossly negligent in failing to correct the [alleged] error in the Plaintiff’s insurance documentation.” *Id.* ¶ 17.

10. Plaintiff also alleges NMIC was “grossly negligent for failing to correct the information when Plaintiff demanded[.]” *Id.* ¶ 19.

11. Based on these allegations, Plaintiff alleges NMIC is “liable unto Plaintiff in a sum to be assessed by the trier of fact for punitive/exemplary damages under common law, states’ laws and/or for willful violation(s) of the provisions of the FCRA.” *Id.* ¶ 25.

II. FEDERAL QUESTION JURISDICTION UNDER 28 U.S.C. § 1331.

12. This Court has federal question jurisdiction over Plaintiff’s claim under Title 28 U.S.C. § 1331.

13. A district court has federal question jurisdiction over a claim when the claim arises “under the Constitution, laws, or treaties of the United States.” Title 28 U.S.C. § 1331; Title 28 U.S.C. § 1441(a).

14. Plaintiff brings at least one claim against NMIC for violation of the FCRA, a federal statute.

15. Therefore, Plaintiff’s FCRA claim arises out of U.S. law because resolution of Plaintiff’s claim requires interpretation of the FCRA.

16. Although Plaintiff does not specify additional causes of action, this Court would have supplemental jurisdiction over his additional claims because they are so related his FCRA cause of action that they form part of the same case or controversy. *See* Title 28 U.S.C. § 1367(a)

III. VENUE

17. Venue is proper in the Southern District of Mississippi, Northern Division, because the State Court Action is pending within the jurisdictional confines of this Court—specifically Simpson County, Mississippi. *See* Title 28 U.S.C. § 1446(a).

18. Defendant will provide written notice of the filing of this Notice of Removal to Plaintiff and the Circuit Court of Simpson County, Mississippi.

WHEREFORE, Defendants Nationwide Mutual Insurance Company—with the consent of co-Defendant LexisNexis Risk Solutions Inc.—hereby removes this civil action to this Court on the bases identified above.

Dated: January 10, 2024

Respectfully submitted,

**NATIONWIDE MUTUAL
INSURANCE COMPANY,**

/s/ E. Carlos Tanner, III

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Counsel for Defendant

Nationwide Mutual Insurance Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by email and filed via the CM/ECF system that will send notification to all counsel of record this 10th day January, 2024. We have also this day sent a copy of the instant filing to the following counsel for Plaintiff at their usual business addresses as follow:

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On this, the 10th day of January, 2024.

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